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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,680	08/30/2000	Anil K. Goyal	410093.401	2023

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EXAMINER

PASS, NATALIE

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,680

Applicant(s)

GOYAL, ANIL K.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 30 August 2000. Claims 1-27 are pending.

Specification

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC §101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

4. Claims 1, 4-7, 10-12, 15-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

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For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 1, 4-7, 10-12, 15-19 only recite abstract ideas. The recited claims detailing the steps of recording and publicly reporting commentary do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute different parts of a method and system recording and reporting monetary commentary related to entity reputation.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces reputation commentary data (i.e., repeatable) that can be used in evaluating an entity's reputation (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1, 4-7, 10-12, 15-19 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over
COMPUTER CRIMES AND THE *RESPONDEAT SUPERIOR* DOCTRINE: *EMPLOYERS*

BEWARE! Article, by M. Ishman, Spring 2000, URLs:

<http://www.ishmanlaw.com/resources/Respondeat_Superior.pdf>,

<<http://www.bu.edu/law/scitech/volume6/Ishman.htm>>, and

<<http://www.bu.edu/law/scitech/OLJ6.htm>>, hereinafter known as Ishman, and further in view of For Your Information article, by C. Ott, August 3, 1999. URL:

<http://archive.salon.com/tech/feature/1999/08/03/info_markets/print.html>, hereinafter known as Ott.

(A) As per claim 1, Ishman teaches a method for consumer recording and publicly reporting monetary commentary, the method comprising:

communicating with a service provider at a first time to:

select an entity (Ishman; page 13, line 10 to page 16, line 22);

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storing data related to the user-selected entity, (Ishman; page 13, line 10 to page 16, line 22); and

communicating with the service provider at a second time different from the first time to:
select the entity (Ishman; page 13, line 10 to page 16, line 22);
retrieve stored data from the service provider related to the reputation of the user-selected entity (Ishman; page 13, line 10 to page 16, line 22); and
review the data related to the user-selected entity to build the reputation up or down (Ishman; page 13, line 10 to page 16, line 22).

Ishman fails to explicitly disclose a method comprising
providing a monetary payment to the service provider to alter a reputation of the user-selected entity and thereby build the reputation up or down;
storing data related to a value of the monetary payment and the user decision to build the reputation up or down; and
reviewing the data related to a value of the monetary payment.

However, the above features are well-known in the art, as evidenced by Ott.

In particular, Ott teaches

providing a monetary payment to the service provider to alter a reputation of the user-selected entity and thereby build the reputation up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8);

storing data related to a value of the monetary payment and the user decision to build the reputation up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8).

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reviewing the data related to a value of the monetary payment (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for consumer recording and publicly reporting monetary commentary of Ishman to include providing a monetary payment to the service provider to alter a reputation of the user-selected entity and thereby build the reputation up or down; storing data related to a value of the monetary payment and the user decision to build the reputation up or down; and reviewing the data related to a value of the monetary payment., as taught by Ott, with the motivations of providing an information market that allows customers to see how valuable other customers have found an entity to be while encouraging people to complete their transactions at the info markets sites (Ott; page 2, paragraph 11, page 3, paragraph 3).

(B) Claim 7 differs from claim 1 in that it is a method for recording and publicly reporting consumer monetary commentary by communicating with a service provider one time rather than a method for consumer recording and publicly reporting monetary commentary by communicating with a service provider two times.

As per independent claim 7, Ishman and Ott teach a method for recording and publicly reporting consumer monetary commentary, the method comprising:

communicating with a service provider at a first time to:

select an entity (Ishman; page 13, line 10 to page 16, line 22); and

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provide a monetary payment to the service provider to alter the reputation of the user-selected entity and thereby build the reputation up or down(Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8); and

storing data related to the user-selected entity, a value of the monetary payment and the user decision to build the reputation up or down (Ishman; page 13, line 10 to page 16, line 22) , (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8).

The motivations for combining the respective teachings of Ishman and Ott are as given in the rejection of claim 1 above, and incorporated herein.

(C) Claim 12 differs from claim 1 and claim 7 in that it is a method for recording and publicly reporting consumer monetary commentary from a plurality of consumers regarding an entity rather than a method for recording and publicly reporting consumer monetary commentary by communicating with a service provider one time or a method for consumer recording and publicly reporting monetary commentary by communicating with a service provider two times.

As per independent claim 12, Ishman and Ott teach a method for recording consumer monetary commentary from a plurality of consumers regarding an entity, comprising:

communicating with a plurality of consumers to identify an entity (Ishman; page 13, line 10 to page 16, line 22);

accepting a monetary payment from each of the plurality of consumers to alter the reputation of the identified entity (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8);

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accepting data from each of the plurality of consumers to build the reputation of the identified entity up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8); and

storing data related to the identified entity, a value of the monetary payments and consumer decisions to build the reputation up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8).

The motivations for combining the respective teachings of Ishman and Ott are as given in the rejection of claim 1 above, and incorporated herein.

(D) Claim 20 differs from claim 1 in that it is a system for consumer reporting on a computer network rather than a method for consumer recording and publicly reporting monetary commentary.

As per independent claim 20, Ishman and Ott teach a system for consumer reporting on a computer network, the system comprising:

a user computer, coupled to the network and operable by the user(Ishman; see at least page 2, line 15 to page 3, line 13);

a server, such as a web server or an e-mail server on the Internet, coupled to the network to communicate with the user computer (Ishman; see at least page 2, line 15 to page 3, line 13),

the user computer communicating with the server at a first time to select an entity, and provide a monetary payment to a service provider operating the server to alter a reputation of the user-selected entity and thereby build the reputation up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8); and

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a data structure associated with the server to store data related to the user-selected entity, a value of the monetary payment and the user decision to build the reputation up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8).

The motivations for combining the respective teachings of Ishman and Ott are as given in the rejection of claim 1 above, and incorporated herein.

(E) As per claims 2-6, 8-10, 13-15 Ishman and Ott teach a method as analyzed and disclosed in claims 1, 7, and 12 above

wherein communicating with the service provider or with the plurality of consumers comprises communicating with the service provider via a computer network (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8);

wherein communicating with the service provider or with the plurality of consumers comprises communicating with the service provider via a telephone network (Ott; page 3, paragraph 3);

wherein the monetary payment to the service provider comprises providing the service provider with credit card information (Ott; page 1, paragraph 4);

wherein the stored data related to the reputation of the user-selected or identified entity comprises graphical data and the review of data comprises reviewing graphical data indicating the value of the monetary payment to build the reputation up or down (Ishman; page 3, footnote 15, page 37, footnote 309); and

further comprising performing statistical analysis of the stored data related to the reputation of the user-selected entity and the review of data comprises reviewing statistical data indicating the value of the monetary payment to build the reputation up or down (Ishman; page 3, footnote 13, page 27, lines 1-4); and

wherein accepting the monetary payment from at least a portion of plurality of consumers to the service provider comprises receiving credit card information from the portion of plurality of consumers (Ott; page 1, paragraph 4).

(F) As per claim 11, Ishman and Ott teach a method as analyzed and disclosed in claim 7 above

further comprising:
communicating with the service provider at a second time different from the first time to:
select the entity (Ishman; page 13, line 10 to page 16, line 22);
retrieve stored data from the service provider related to the reputation of the user-selected entity (Ishman; page 13, line 10 to page 16, line 22);
and display, such as on a computer screen, the data related to the user-selected entity and the value of the monetary payment to build the reputation up or down (Ishman; page 34, line 20 to page 35, line 2).

(G) As per claim 16, Ishman and Ott teach a method as analyzed and disclosed in claim 12 above

further comprising:

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communicating with the service provider at a second time different from the first time to:
select the entity (Ishman; page 13, line 10 to page 16, line 22);
retrieve stored data from the service provider related to the reputation of the selected
entity (Ishman; page 13, line 10 to page 16, line 22); and
display, such as on a computer screen, the data related to the selected entity and the value
of the monetary payment to build the reputation of the selected entity up or down (Ishman; page
34, line 20 to page 35, line 2).

(H) As per claims 17-18 Ishman and Ott teach a method as analyzed and disclosed in
claims 12 and 16 above

wherein the stored data related to the reputation of the identified entity comprises
graphical data and the review of data comprises reviewing graphical data indicating the value of
the monetary payment to build the reputation up or down (Ishman; page 3, footnote 15, page 37,
footnote 309); and

further comprising performing statistical analysis of the stored data related to the
reputation of the selected entity and the display of data comprises displaying statistical data
indicating the value of the monetary payment to build the reputation up or down (Ishman; page
3, footnote 13, page 27, lines 1-4).

(I) System claims 21-26 recite the limitations of claims 2-3, 1, 11, and 5-6
respectively. As the elemental features of claims 2-3, 1, 11, and 5-6 have been shown to be
either disclosed by or obvious in view of the collective teachings of Ishman and Ott, it is readily

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apparent that the system disclosed by the applied prior art performs the recited underlying functions. As such, these limitations recited in claims 21-26 are rejected for the same reasons given above for method claims 2-3, 1, 11, and 5-6.

7. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over COMPUTER CRIMES AND THE *RESPONDEAT SUPERIOR* DOCTRINE: *EMPLOYERS BEWARE!* Article, by M. Ishman, Spring 2000, URLs:

<http://www.ishmanlaw.com/resources/Respondeat_Superior.pdf>,

<<http://www.bu.edu/law/scitech/volume6/Ishman.htm>>, and

<<http://www.bu.edu/law/scitech/OLJ6.htm>>, hereinafter known as Ishman, and For Your Information article, by C. Ott, August 3, 1999. URL:

<http://archive.salon.com/tech/feature/1999/08/03/info_markets/print.html>, hereinafter known as Ott, as applied to claims 12 and 20 above, and further in view of Official Notice.

(A) As per claims 19 and 27, Ishman and Ott teach a method and system as analyzed and disclosed in claims 12, 18 and 20 and above.

Ishman and Ott fail to explicitly disclose

wherein the statistical data generated by the server and the statistical analysis of the stored data comprises calculating an average monetary payment to the service provider for the selected entity and the display of data comprises displaying the average monetary payment to build the reputation up or down.

Examiner takes Official Notice that calculating and displaying an average payment for services provided is old and well known in the business and finances art. For example, mortgage companies compute different monthly payments based on a consumer's credit history (form of "reputation") and interest rate, thereby absorbing some of the risk factors involved in granting a loan to one who has bad credit.

As such, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Ishman and Ott to include the calculating of an average monetary payment to the service provider and the displaying the average monetary payment to build the reputation up or down, with the motivation of compensating the provider of services with guaranteed average payments rather than expecting the consumer to pay all-due at once, thereby making transactions simple and convenient to the end user (Ott; page 1, paragraph 4).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Lang et al., U.S. Patent Number 5,867,799, Knight et al., U.S. Patent Number 6,493,703 and the article teach the environment of assisting users to evaluate stored reputations of entities.

Lang et al., U.S. Patent Number 5,867,799 teaches an information system and method for filtering a massive flow of information entities to meet user information needs and to assist users in making choices based on the opinions of other users.

Knight et al., U.S. Patent Number 6,493,703 teaches a system and method for implementing intelligent online community message boards and making intelligent decisions as to content and priority in messages of online users.

Bell, B.A. Dealing with False Internet Rumors: A Corporate Primer. 1999. FindLaw Library. [Retrieved on September 29, 2003]. Retrieved from Internet. URL:
<http://library.lp.findlaw.com/articles/file/00347/006493/title/subject/topic/science%20%20technology%20law_internet>.

9. Any response to this action should be mailed to:

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Washington D.C. 20231**

or faxed to: **(703) 305-7687.**

For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."
Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

NP

Natalie A. Pass

September 30, 2003

Joseph Thomas
JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600